

Remarks

Favorable reconsideration of this application is requested in view of the following remarks. For the reasons set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The non-final Office Action dated March 9, 2004, indicated that the drawings are objected to; claims 1-10 are rejected under 35 U.S.C. § 112(2); claims 1-10 are rejected under 35 U.S.C. § 101; claims 1-10 are rejected under 35 U.S.C. § 112(1); claims 1-10 are rejected under 35 U.S.C. § 102(e) over Kaplan (US 2002/0076674); and claims 1-10 are rejected under 35 U.S.C. § 102(b) over Rossides (U.S. Patent No. 5,335,508).

Applicant has canceled claims 1-8 and 10 and amended claim 9 to overcome the Sections 101 and Section 112 rejections. Please note that claim 9 has been amended to substantially correspond to the subject matter of original claim 1 and dependent claims 12-18 largely correspond to original claims 2-8. The claims, as amended, further characterize that innovative aspects of unique user interactions with a virtual environment are detected and recorded in a computer arrangement. Most, if not all, of the embodiments of the present invention are directed to the claimed subject matter. *See, e.g.*, paragraphs 28 and 29. With particular respect to the Section 101 rejection, the amended claims are directed to a computer arrangement performing detection and recordation operations, thereby satisfying the technological arts requirement for patentable subject matter. With respect to the “useful, concrete, tangible” requirement, Applicant specifically points out that the benefit provided to the user is consideration for the unique interaction and a tangible reward. Regarding the Section 112(1) rejection, the claimed computer arrangement objectively detects an innovative aspect of a unique interaction, for example, via a comparison. This detection is neither subjective nor dependent upon any experimentation. Regarding the Section 112(2) rejection, the claims have been amended to remove the “enabling” steps and the “innovative aspects” carry a plain meaning as exemplified by the various embodiments including for example, those discussed at paragraphs 28 and 29 of the Specification and the specific examples in which these aspects are game strategies. Applicant submits that the claimed computer arrangement constitutes patentable subject matter and corresponds to the subject matter of the original claims.

With respect to the drawing objection, the original claim listing included both method and apparatus claims. As amended, the claims no longer include method claims;

therefore, Applicant submits that the drawing objection is now moot in view of the amendments to the claims. Applicant requests that the drawing objection be removed.

Applicant respectfully traverses the Sections 102(e) and 102(b) rejections because the Office Action's cited prior art fails to correspond to the claimed invention. Neither cited reference teaches computer detection of an innovative aspect of a user's unique interaction. The '674 reference is directed to using human expertise versus artificial intelligence for solving multi-level problems. *See* paragraph 0037. The '508 reference also relies upon a human comparison as the lookup 16 results from a supplier (*i.e.*, human) inputting a question. *See* column 7, lines 39-40. Moreover, neither reference teaches a computer arrangement detecting an innovative aspect of a unique interaction. Without a presentation of correspondence to each of the claimed limitations, the Section 102 rejections are improper. Applicant accordingly requests that the rejections be withdrawn.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Mr. Peter Zawilski, of Philips Corporation at (408) 474-9063.

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